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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10852 of 1995

Between:

M/s. Guntur Cold Storage, G.T. Road., Ankireddypalem,

Guntur Rural Mandal, Guntur District.

..... PETITIONER

AND

1. Assistant Divisional Engineer, Operation, A.P.State

Electricity Board, Town-II, Guntur.

2 Assistant Accounts Officer, E.R.O. Guntur Rural, Guntur.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the first respondent in disconnecting Electricity supply to the petitioner unit as illegal and arbitrary and set-aside the order passed in letter No.ADE/O/T.2/GNT/SER/SC.No.932/D.No.1150/95, dated 27.5.95.

Counsel for the Petitioner:MR.K.DURGA PRASAD, Advocate

Counsel for the Respondent : Standing Counsel for A.P.TRANSCO

The Court made the following :

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ORDER :

The petitioner is engaged in the business of Cold Storage. It is availing the power supply from the respondents with a contracted load of 70 H.P. On 26-5-1995 the Assistant Divisional Engineer, Guntur, inspected the petitioner's premises and found that the petitioner has exceeded the contracted load by connecting load of 125 H.P. + 9.52 K.W. i.e., 137.76 H.P. Therefore, second respondent came to a provisional conclusion that the petitioner is resorting to pilferage of energy and issued the impugned notice dated 27-5-1995 calling upon the petitioner to submit its explanation. Second respondent also disconnected the power supply and informed the petitioner to pay an amount of Rs.1,78,271-70 ps being 50% of the value of energy misused along with reconnection charges for availing restoration of power supply. Assailing the same, the present writ petition is filed. While admitting the writ petition on 30-5-1995, this Court directed the respondents to restore the power supply if the petitioner deposits an amount of Rs.50,000/- within a period of two weeks from the date of the order.

The petitioner impugned the notice issued by the second respondent. Without giving an explanation, which would have enabled the Divisional Electrical Engineer to finally assess the value of energy, allegedly pilfered, the present writ petition is filed. As stated across the bar, power supply was restored to the petitioner after an amount of Rs.50,000/- (Rupees fifty thousand only) was deposited. The learned counsel for the petitioner also submits that the petitioner has been regularly paying current consumption charges and has not been booked for any other pilferage case. Therefore, it would be in the interest of petitioner, the competent authority passes a final assessment order, if there is a need for one. Subject to condition that the petitioner continues to pay current consumption charges regularly and subject to filing an explanation before the competent authority within a period of two weeks from the date of receipt of this order, the writ petition is disposed of. It shall be open to the competent authority to consider the explanation of the petitioner and pass appropriate final assessment order within a period of four weeks from the submission of the explanation.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

07-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Assistant Divisional Engineer, Operation, A.P.State Electricity Board, Town-II, Guntur.
2 Assistant Accounts Officer, E.R.O. Guntur Rural, Guntur.

3. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10852 of 1995

Dt.07-07-2004.

(Msr)